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Corporation and Provident Life and

Casualty Insurance Company

Andrew I. Hamelsky (AH-6643)

5/7/07

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MICHAEL SEAMON,

Plaintiff,

v.

UNUM PROVIDENT CORPORATION
and PROVIDENT LIFE AND
CASUALTY INSURANCE COMPANY,

Defendants.

Civil Action No.: 07-cv-02800
(SAS)(KNF)

SCHEDULING ORDER

Conference Date: 5/7/07 at 4:00 p.m.

WHEREAS, the Court issued an Order for a Conference in accordance with Fed R. Civ. P. 16(b) on April 12, 2007 (the "Court Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) The Fed R. Civ. P. 16 conference is to take place on **May 7, 2007**;

For the Plaintiff:

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For the Defendant:

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(2) the issues are as follows:

Plaintiff alleges that he is entitled to benefits under disability policy number 36-600-7887392 issued by Provident Life and Casualty Insurance Company. Plaintiff further alleges he executed an application for the aforementioned policy on August 17, 2002 with an effective date of November 17, 2002, that defendant accepted said application and that the policy went into effect.

Defendant contends that policy 36-600-7887392 never became effective because plaintiff never paid the premiums for the policy. Moreover, defendants contend that plaintiff had a change in health so as to negate the representations made on the application, and therefore nullifying the application and any policy issued upon it.

(3) a schedule including:

(a) Depositions:

Michael Seamon:	on or before September 20, 2007 ;
Insurance Broker:	on or before October 2, 2007
Representative of Defendant:	on or before October 16 2007
Doctors/Health care Providers:	on or before October 30, 2007

(all depositions to be completed by **November 16, 2007**)

(b) The parties will exchange documents pursuant to Request for Production of Documents no later than **June 22, 2007**;

(c) Plaintiff will provide expert reports by **November 28, 2007**;

Defendant will provide expert reports by **January 3, 2008**;

(d) All discovery to be completed by **February 8, 2008**;

(e) Plaintiff will provide pretrial order to defendant by **March 21, 2008**;

(f) The date by which the parties will submit a pretrial order in a form conforming with the Court's instructions, together with trial briefs, for (1) proposed finding of fact and conclusion of law for non-jury trial or (2) proposed voir dire questions and proposed jury instructions, for a jury trial ; and

(g) A space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), Dec. 10 at 4³⁰.

(4) The parties do not see any limitations to be placed on discovery nor do they believe a Protective Order at this time would be necessary;

(5) There are no discovery issues to be brought to the Court's attention at this time;


(6) Anticipated fields of expert testimony: disability insurance underwriting; (C?)

(7) Anticipated length of trial is one week; July

(8) This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;


EUGENE A. GAER

By:



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By:


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SO ORDERED:


Shira A. Scheindlin, USDJ

5/7/07